

Message Text

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ACTION ACDA-10

INFO OCT-01 ARA-06 EUR-12 EA-06 IO-10 ISO-00 AF-06 CIAE-00

DODE-00 PM-03 H-02 INR-07 L-02 NASA-01 NEA-10 NSAE-00

NSC-05 OIC-02 SP-02 PA-01 PRS-01 OES-03 SS-15 USIA-06

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FM USMISSION GENEVA

TO SECSTATE WASHDC PRIORITY 3132

INFO AMEMBASSY BONN

AMEMBASSY BRUSSELS

AMEMBASSY THEHAGUE

AMEMBASSY LONDON

AMEMBASSY MEXICO

AMEMBASSY MOSCOW

AMEMBASSY OTTAWA

AMEMBASSY ROME

AMEMBASSY TOKYO

USMISSION USUN NEWYORK

USMISSION NATO

USMISSION IAEA VIENNA

ERDA GERMANTOWN MD

C O N F I D E N T I A L GENEVA 3777

E.O. 11652: GDS

TAGS: PARM

SUBJECT: NPT REVCON: WORKING PAPER ON ARTICLE V (PNES)

REF: STATE 118335

1. SET FORTH BELOW IS A WORKING PAPER, SUBMITTED TO COMMITTEE II BY AUSTRALIA, AUSTRIA, CANADA, FRG, MONGOLIA, POLAND AND THE UNITED KINGDOM, CONTAINING A SUGGESTED FORMULATION ON ARTICLE V (PNES) FOR THE FINAL DECLARATION OF THE CONFERENCE. THIS FORMULATION WAS THE RESULT OF EXTENSIVE NEGOTIATION, INCLUDING U.S. CONFIDENTIAL

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EFFORTS TO OBTAIN AGREEMENT ON FORMULATIONS IN PARAGRAPHS 4 AND 5

OF REFTEL.

2. THE POINT FROM PARA 4 OF REFTEL NOTING THAT PNE TECHNIQUES ARE STILL AT THE DEVELOPMENT STAGE IS REFLECTED IN THE FOURTH PARAGRAPH OF THE FORMULATION. THE SUGGESTED REFERENCE TO THE OBLIGATIONS UNDERTAKEN BY THE NWS WAS OBJECTED TO BY THE U.K., WHICH HAS NO PNE PROGRAM, SO WE SUGGESTED TRACKING THE LANGUAGE OF ARTICLE V IN THE OPENING SENTENCE.

3. THE FIRST AND SECOND PARAGRAPHS OF THE PROPOSED FORMULATION WERE DESIGNED TO ACKNOWLEDGE THAT PNE SERVICES COULD BE MADE AVAILABLE TO NON-PARTIES UNDER APPROPRIATE INTERNATIONAL OBSERVATION AND PROCEDURES, BUT THAT THE ASSURANCE OF NON-DISCRIMINATORY TREATMENT AND LOWEST POSSIBLE COST EXCLUDING CHARGES FOR R & D IS ONLY GIVEN TO PARTIES.

4. IN THE SECOND PARAGRAPH OF THE PROPOSED FORMULATION, WE URGED THE ADDITION OF "IN ACCORDANCE WITH OTHER INTERNATIONAL AGREEMENTS", BUT MET RESISTANCE ON THE GROUND THAT THIS MIGHT INCLUDE BILATERAL EXECUTIVE AGREEMENTS OF A COMMERCIAL NATURE. WE THOUGHT "TREATIES" MIGHT BE TOO NARROW, AND SUCCESSFULLY SUGGESTED "APPLICABLE INTERNATIONAL OBLIGATIONS".

5. SECOND SENTENCE OF THIRD PARAGRAPH WAS BEST WE COULD DO TO HEAD OFF LANGUAGE DEMANDING IMMEDIATE ESTABLISHMENT OF THE STRUCTURE AND CONTENTS OF THE SPECIAL INTERNATIONAL AGREEMENT. WE BELIEVE WE SHOULD BE ABLE TO LIVE WITH LANGUAGE URGING IAEA "TO COMMENCE WORK ON" SUCH STRUCTURE AND CONTENT, SINCE THE LEGAL STUDIES, ETC., CURRENTLY IN TRAIN DO CONSTITUTE SUCH WORK.

6. THE REFERENCES IN THE LAST PARAGRAPH OF THE PROPOSED FORMULATION WAS DESIGNED TO PACIFY THE SWEDES, WHO HAVE STRONGLY URGED THAT THE UNGA, RATHER THAN THE IAEA, SHOULD BE THE FOCAL POINT FOR PNE ASSESSMENT AND ARRANGEMENTS. THEY HAVE SUGGESTED THE FOLLOWING ALTERNATIVE TO THE LAST SENTENCE: "THE CONFERENCE FURTHER NOTES THAT THE RESULTS OF DISCUSSION IN THE UNGA AT ITS THIRTIETH SESSION WILL BE AVAILABLE TO SERVE AS GUIDANCE TO THE IAEA AND THE CCD FOR THEIR FURTHER CONSIDERATION OF THE MATTER." DEL BELIEVES THAT WE SHOULD BE ABLE TO LIVE WITH THIS IF NECESSARY TO OBTAIN CONSENSUS.

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7. FULL TEXT OF FORMULATION IS AS FOLLOWS:

(A) THE CONFERENCE REAFFIRMS THE OBLIGATION ON PARTIES TO THE TREATY TO TAKE APPROPRIATE MEASURES TO ENSURE THAT POTENTIAL BENEFITS FROM ANY PEACEFUL APPLICATION OF NUCLEAR EXPLOSIONS ARE MADE AVAILABLE TO NON-NUCLEAR-WEAPON STATES PARTIES TO THE TREATY IN FULL ACCORDANCE WITH THE PROVISIONS OF ARTICLE V. IN

THIS CONNECTION, THE CONFERENCE ALSO REAFFIRMS THAT SUCH SERVICES SHOULD BE PROVIDED TO NNWS PARTIES TO THE TREATY ON A NON-DISCRIMINATORY BASIS AND THAT THE CHARGE TO SUCH PARTIES FOR THE EXPLOSIVE DEVICES USED SHOULD BE AS LOW AS POSSIBLE AND EXCLUDE ANY CHARGE FOR RESEARCH AND DEVELOPMENT.

(B) THE CONFERENCE CONSIDERS IT IMPERATIVE THAT ACCESS TO POTENTIAL BENEFITS OF NUCLEAR EXPLOSIONS FOR PEACEFUL PURPOSES SHOULD NOT LEAD TO ANY PROLIFERATION OF NUCLEAR EXPLOSIVE CAPABILITY. IN THIS CONNECTION, IT NOTES THAT ANY SUCH POTENTIAL BENEFITS COULD BE MADE AVAILABLE TO NON-NUCLEAR-WEAPON STATES NOT PARTIES TO THE TREATY BY WAY OF NUCLEAR EXPLOSION SERVICES PROVIDED BY NUCLEAR-WEAPON STATES, AS DEFINED BY THE TREATY, AND CONDUCTED UNDER THE APPROPRIATE INTERNATIONAL OBSERVATION AND INTERNATIONAL PROCEDURES CALLED FOR IN ARTICLE V AND IN ACCORDANCE WITH OTHER APPLICABLE INTERNATIONAL OBLIGATIONS.

(C) THE CONFERENCE CONSIDERS THE IAEA TO BE THE APPROPRIATE INTERNATIONAL BODY, REFERRED TO IN ARTICLE V OF THE TREATY, THROUGH WHICH POTENTIAL BENEFITS FROM PEACEFUL APPLICATIONS OF NUCLEAR EXPLOSIONS COULD BE MADE AVAILABLE TO ANY NON-NUCLEAR-WEAPON STATE. ACCORDINGLY, THE CONFERENCE URGES THE IAEA TO COMMENCE WORK ON THE STRUCTURE AND CONTENTS OF THE SPECIAL INTERNATIONAL AGREEMENT OR AGREEMENTS CONTEMPLATED IN ARTICLE V OF THE TREATY, TAKING INTO ACCOUNT THE VIEWS OF THE CONFERENCE OF THE COMMITTEE ON DISARMAMENT AND THE UNITED NATIONS GENERAL ASSEMBLY.

(D) THE CONFERENCE NOTES THAT THE TECHNOLOGY OF NUCLEAR EXPLOSIONS FOR PEACEFUL PURPOSES IS STILL AT THE STAGE OF DEVELOPMENT AND STUDY, AND THAT THERE ARE A NUMBER OF INTERRELATED INTERNATIONAL LEGAL AND OTHER ASPECTS OF SUCH EXPLOSIONS WHICH STILL NEED TO BE INVESTIGATED.

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(E) THE CONFERENCE COMMENDS THE WORK IN THIS FIELD THAT HAS BEEN CARRIED OUT WITHIN THE IAEA AND LOOKS FORWARD TO THE CONTINUANCE OF SUCH WORK PURSUANT TO UNITED NATIONS GENERAL ASSEMBLY RESOLUTION 3261D(XXIX). IT EMPHASIZES THAT THE IAEA SHOULD PLAY THE CENTRAL ROLE IN MATTERS RELATING TO THE PROVISION OF SERVICES FOR THE APPLICATION OF NUCLEAR EXPLOSIONS FOR PEACEFUL PURPOSES. IT BELIEVES THAT THE IAEA SHOULD BROADEN ITS CONSIDERATION OF THIS SUBJECT TO ENCOMPASS, WITHIN ITS AREA OF COMPETENCE, ALL ASPECTS AND IMPLICATIONS OF THE PRACTICAL APPLICATIONS OF NUCLEAR EXPLOSIONS FOR PEACEFUL PURPOSES. TO THIS END IT URGES THE IAEA TO SET UP APPROPRIATE MACHINERY WITHIN WHICH INTERGOVERNMENTAL DISCUSSION CAN TAKE PLACE AND THROUGH WHICH ADVICE CAN BE GIVEN ON THE AGENCY'S WORK IN THIS FIELD.

(F) THE CONFERENCE ATTACHES CONSIDERABLE IMPORTANCE TO THE CON-

SIDERATION BY THE CCD, PURSUANT TO UNITED NATIONS GENERAL ASSEMBLY RESOLUTION 3261D(XXIX) AND TAKING DUE ACCOUNT OF THE VIEWS OF THE IAEA, OF THE ARMS CONTROL IMPLICATIONS OF NUCLEAR EXPLOSIONS FOR PEACEFUL PURPOSES.

(G) THE CONFERENCE NOTES THAT THE THIRTIETH SESSION OF THE UNITED NATIONS GENERAL ASSEMBLY WILL RECEIVE REPORTS PURSUANT TO UNITED NATIONAL GENERAL ASSEMBLY RESOLUTION 3261D(XXIX) AND WILL PROVIDE AN OPPORTUNITY FOR STATES TO DISCUSS QUESTIONS RELATED TO THE APPLICATION OF NUCLEAR EXPLOSIONS FOR PEACEFUL PURPOSES. THE CONFERENCE FURTHER NOTES THAT THE RESULTS OF DISCUSSION IN THE UNITED NATIONS GENERAL ASSEMBLY WILL BE AVAILABLE TO THE IAEA AND THE CCD FOR THEIR FURTHER CONSIDERATION.

END TEXT
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Message Attributes

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